

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF MINING, LAND & WATER

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May 6, 2005

**Re: Finding and Decision, Jualin Mine Road, RST 4—Control of Public Access
Kensington Mine Project**

To Whom It May Concern:

The Division of Mining, Land and Water (DMLW) has made a Finding and Decision to control public access along the Jualin Mine Road (RST 4) in association with the Kensington Mine Project; see attached.

The *Response to Comment Document on State of Alaska Authorizations for the Kensington Mine Project* and other finding and decisions, permits and certifications related to the Kensington Mine Project are available at <http://www.dnr.state.ak.us/mlw/mining/largemine/kensington/>.

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received by **May 26, 2005** and may be mailed or delivered to Tom Irwin, Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to dnr_appeals@dnr.state.ak.us. If no appeal is filed by that date, this decision goes into effect as a final order and decision on June 6, 2005. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

If you have any questions or require assistance, please call me at (907) 465-3442, or e-mail brady_scott@dnr.state.ak.us.

Sincerely,

/s/ *Brady Scott*

Brady Scott,
Natural Resource Specialist

Enclosure: Finding and Decision, RST 4—Control of Public Access.

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
Finding and Decision
Jualin Mine Road, RST 4
Control of Public Access

Authority & Delegation: This finding and decision is issued under the authority granted by AS 38.04.200 to the Commissioner of the Department of Natural Resources (DNR). That authority has been delegated by the Commissioner to the Director of the Division of Mining, Land and Water through a memorandum dated September 30, 1999.

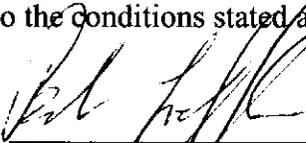
Location and Legal Description: Copper River Meridian, Township 35 S., Range 62 E., Sections 14, 15, 23, 24, 25, & 36; and Township 36 S., Range 62 E., Section 1; containing approximately 27.8 acre(s), and located within the Jualin Mine Road (RST 4) in the vicinity of the City and Borough of Juneau, near Berners Bay, extending from Slate Creek Cove to Johnson Creek; as depicted in attachment A.

Reason for Action: In association with the Kensington Mine Project, Coeur Alaska, Inc. has requested DNR permission to control public access to the Jualin Mine Road (RST 4). The reasons for this request are: 1) protection of the public from health and safety hazards associated with mining activities; 2) compliance with applicable U.S. Mine, Safety and Health Administration (MSHA) requirements for the control of public access to mining activities; 3) avoidance of access conflicts arising from mining support vehicle traffic along the one-lane road; 4) need to haul explosives, fuel and other hazardous materials along the route; and 5) compliance with the applicable requirements of the U.S. Coast Guard, U.S. Forest Service, and Alaska Department of Environmental Conservation.

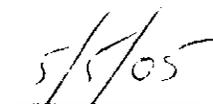
Management Criteria: Control of public use of the right-of-way will be allowed for the purposes stated above; however, such control must not unreasonably interfere with the public's right of access. Control measures may include requiring the public to seek permission from the permittee before use of the right-of-way and specifying the time periods and types of allowed use. The permittee's use of the Jualin Mine Road will be subject to Land Use Permit LAS 24488, or any successive land use authorization. Prior to initiating any access control measure, the permittee will submit a public access control management plan to DNR for review and approval, and will remain in compliance with the plan after approval as a condition of the land use permit.

Effective Dates: This finding and decision takes effect on May 6, 2005 and terminates upon closure and reclamation of the Kensington Mine Project, or upon a subsequent finding and decision.

Finding: The Director finds that unrestricted public access along the Jualin Mine Road (RST 4) may be incompatible with operations associated with the Kensington Mine Project. Therefore, it is in the State's best interest to allow the permittee to control public access to the Jualin Mine Road subject to the conditions stated above.



Bob Loeffler, Director
Division of Mining, Land and Water



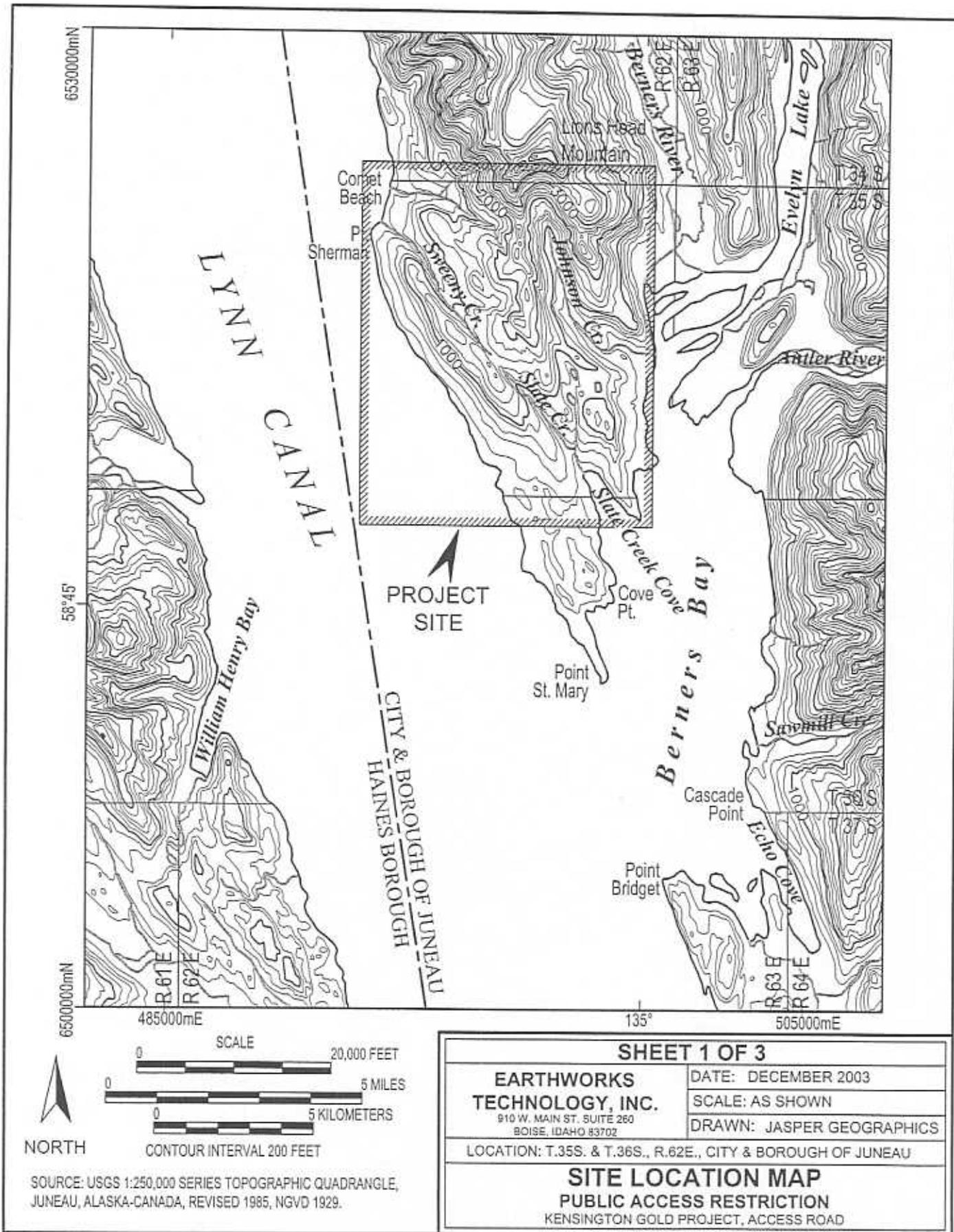
Date

Public Notice: Public notice of the proposed closure was accomplished by posting on State of Alaska Online, and by publishing in the Juneau Empire on June 21 and June 28, 2004, and the Chilkat Valley News on June 17 and July 1, 2004.

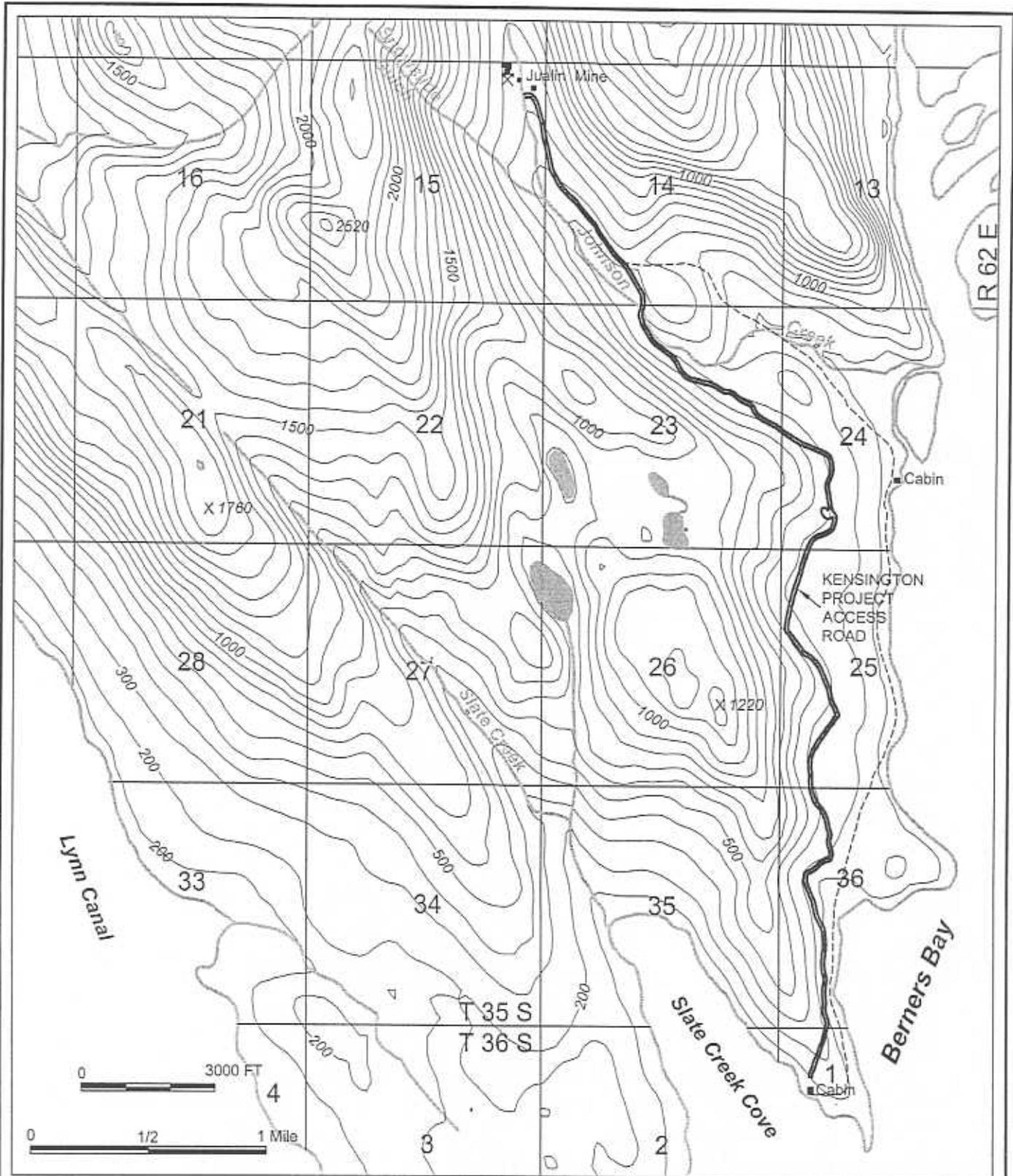
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Attachment A: Map of Jualin Mine Road (RST 4)

Attachment A
Jualin Mine Road, RST #4
Road Closure



SHEET 1 OF 3	
EARTHWORKS TECHNOLOGY, INC. <small>910 W. MAIN ST. SUITE 260 BOISE, IDAHO 83702</small>	DATE: DECEMBER 2003
	SCALE: AS SHOWN
	DRAWN: JASPER GEOGRAPHICS
LOCATION: T.35S. & T.36S., R.62E., CITY & BOROUGH OF JUNEAU	
SITE LOCATION MAP PUBLIC ACCESS RESTRICTION KENSINGTON GOLD PROJECT, ACCESS ROAD	

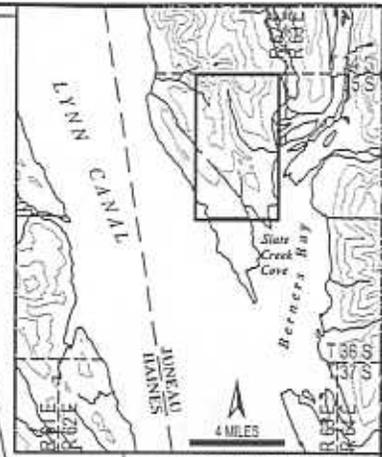
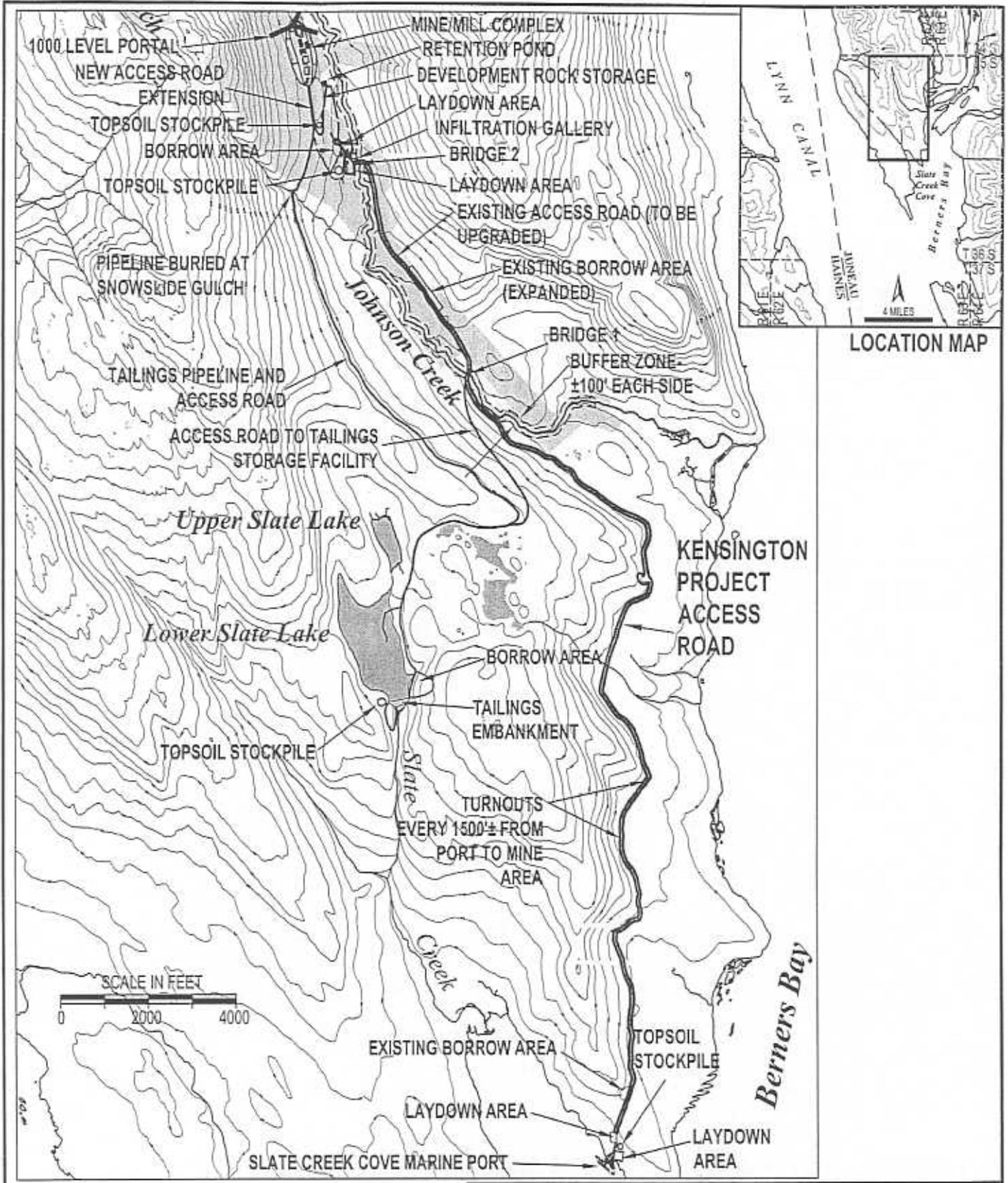


1:63,360 USGS TOPOGRAPHIC BASE MAPS
 JUNEAU D3 AND JUNEAU D4
 ENLARGED TO SCALE SHOWN
 CONTOUR INTERVAL 100 FEET

(KENSINGTON PROJECT ACCESS ROAD LOCATED APPROXIMATELY
 ON THIS BASE MAP FOR REPRESENTATIONAL PURPOSES ONLY)



SHEET 2 OF 3	
EARTHWORKS TECHNOLOGY, INC. 910 W. MAIN ST. SUITE 260 BOISE, IDAHO 83702	DATE: DECEMBER 2003
	SCALE: 1in = 3000ft
DRAWN: JASPER GEOGRAPHICS	
LOCATION: T.35S. & T.36S., R.62E., CITY & BOROUGH OF JUNEAU	
ACCESS ROAD LOCATION PUBLIC ACCESS RESTRICTION KENSINGTON GOLD PROJECT, ACCESS ROAD	



LOCATION MAP



PRIVATELY OWNED LAND

NOTE:
 SLATE CREEK TAILINGS STORAGE FACILITY
 BASED ON DESIGN PREPARED BY KNIGHT
 PIESOLD CONSULTING FOR COEUR ALASKA INC.

SHEET 3 OF 3	
EARTHWORKS TECHNOLOGY, INC. 910 W. MAIN ST, SUITE 260 BOISE, IDAHO 83702	DATE: DECEMBER 2003 SCALE: 1in=3000ft DRAWN: JASPER GEOGRAPHICS
LOCATION: T.35S. & T.36S., R.62E., CITY & BOROUGH OF JUNEAU	
GENERAL FACILITIES ARRANGEMENT PUBLIC ACCESS RESTRICTION KENSINGTON GOLD PROJECT, ACCESS ROAD	